

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERTO O. DAVID & IMELDA D. DAVID,

Plaintiff,

v.

WELLS FARGO BANK, N.A. and E.M.C.  
MORTGAGE CORPORATION,

Defendants.

No. C 09-01541 CW

ORDER DISMISSING  
CLAIMS AGAINST  
DEFENDANT WELLS  
FARGO BANK WITHOUT  
PREJUDICE

Defendants Wells Fargo Bank and EMC Mortgage Corporation have moved to dismiss the complaint. Pro Se Plaintiffs Robert and Imelda David failed to file an opposition by July 2, 2009 as ordered. Plaintiffs' claims against Wells Fargo Bank and E.M.C. Mortgage Corporation are dismissed without prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated: 7/15/09



CLAUDIA WILKEN  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ROBERTO O. DAVID et al,

Case Number: CV09-01541 CW

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

WELLS FARGO BANK et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 15, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Imelda D. David  
Roberto O. David  
127 Driftwood Cove  
Hercules, CA 94547

Dated: July 15, 2009

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk

United States District Court  
For the Northern District of California